

DE 2309.02 US
USSN: 09/855,003

PATENT
Art Group: 2653

REMARKS

I. Status

In the Office Action mailed July 16, 2003, claims 1-24 were pending, claims 19, 20, and 23 were allowed, and claims 1-5, 7-18, 21, 22, and 24 were rejected. Claims 1, 2, 7, 8, 4, 11, 14, and 17 have been amended herein and claim 12 has been canceled. Thus, in view of the foregoing, claims 1-11, and claims 13-24 remain pending for reconsideration, which is requested. No new matter has been added. The applicant respectfully traverses the rejection.

II. Preliminary Issues

Regarding the response to remarks of the Office Action of July 16, 2003, the applicant stated on page 7 of the Remarks, lines 15-22, that the permanent magnets are attached to the fixed element.

III. Rejection of claims under 35 U.S.C. § 102(b)

Claims 1-5 and 7-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Wakabayashi (U.S. Patent 5,905,255). The applicant respectfully traverses this rejection.

Claim 1 has been amended to include the limitations given by the Examiner on page 6, item 10 of the Office Action of July 16, 2003 for claim 19. Therefore, claim 1, as amended is allowable.

Furthermore, Wakabayashi et al. does not disclose the movable element having a yoke assembly as recited in claim 1. The only mention of yokes in Wakabayashi et al. is in the abstract and claim 1 which has them attached to the fixed element ("at least two yokes comprising a magnetic material, disposed on the fixed base", column 20, lines 1-2).

Therefore, the present invention recited in claim 1 and depending claims therefrom is not suggested by the cited prior art.

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IV. Rejection of claims under 35 U.S.C. § 102(b)

Claims 21, 22, and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Mitsumori et al. (U.S. Patent 5,535,059). The applicant respectfully traverses this rejection.

Claim 21 recites "a movable element having attached thereto an objective lens but not having attached thereto a permanent magnet, a tracking coil, and a focusing coil". To support the allegation that Mitsumori et al. discloses the aforementioned elements of claim 21, the Examiner alleges that FIG. 3 of Mitsumori et al. discloses a movable element 12 having an objective lens and the movable element does not attach to a permanent magnet, a tracking coil and a focusing coil (FIG. 3 coil bobbin 12 is not attached to the lens holder 12).

The Applicant respectfully disagrees.

As shown in FIG. 3 and described in the specification of Mitsumori et al. the coil bobbin 13 is attached to the lens holder 12. For example, column 3, lines 48-52 state "An objective lens 11 is arranged in a opening portion 12e formed in one end, which is a free end, of the lens holder 12, and an opening portion 12c in which the coil bobbin 13 is fixed is formed in the other end". Furthermore the coil bobbin 13 has wound around it the focus and tracking coils (column 4, lines 8-27). Thus, the optical actuator of Mitsumori et al. has the focusing and tracking coils (the coils attached to a coil bobbin) attached to the "movable element". The movable element includes the lens holder 12 and coil bobbin 13. This is in contrast to the present invention recited in claim 21 which does not have the tracking coil and focusing coil attached to the movable element. Similarly, claim 24 of the present invention recites that the coils and permanent magnet are attached to the fixed element, in contrast to Mitsumori et al. where the coils are attached to the movable element.

Therefore, the present invention has the advantage of not having the heavy weight of the tracking and focusing coils and the permanent magnets attached to the movable element. The prior art has either the permanent

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magnets or the coils attached to the movable element which increases inertia and reduces accuracy.

Therefore, the present invention recited in claims 21, 22, and 24 and depending claims therefrom is not suggested by the cited prior art.

V. Allowable Claims

Applicant thanks the Examiner for allowance of claims 19, 20, and 23. However, Applicant does not admit to any characterization or limitation of claims 19, 20, and 23 by the Examiner, particularly any that are inconsistent with the language of the claims as considered in their entirety and including all of their constituent limitations.

VI. Concluding Matters

In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims distinguishes over the prior art, and therefore, defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowance of all the pending claims is respectfully requested.

Should there be any remaining questions to correct format matters, it is urged that the Examiner contact the undersigned attorney with a telephone interview to expedite and complete prosecution.

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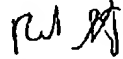
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If any further fees are required in connection with the filing of this response, please charge same to our Deposit Account No. 04-1175.

Respectfully submitted,

DISCOVISION ASSOCIATES



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Date: September 25, 2003

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